

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1(b)	
RAS Crane, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number: 973-575-0707 Attorneys For Secured Creditor Laura Egerman, Esq. (LE-8250)	Case No.: 18-20267-CMG Chapter 13 Hearing Date: October 3, 2018 Judge: Christine M. Gravelle
In Re: FERNANDO CARTAGENA and JODI MICHELLE CARTAGENA, Debtors.	

**OBJECTION TO MOTION FOR AN ORDER AUTHORIZING SALE OF REAL
PROPERTY LOCATED AT 116 BARRACUDA ROAD, MANAHAWKIN, NJ
FREE AND CLEAR OF LIENS, CLAIMS OR ENCUMBRANCES
AND GRANTING RELATED RELIEF**

DITECH FINANCIAL LLC ("Secured Creditor"), by and through undersigned counsel, hereby objects to the Debtors' Motion for an Order Authorizing Sale of Real Property Located at 116 Barracuda Road, Manahawkin, NJ Free and Clear of Liens, Claims or Encumbrances and Granting Related Relief (the "Debtors' Motion") and, in support thereof, states as follows:

1. The Secured Creditor holds a valid first lien security interest in the Debtors' real property located at 116 Barracuda Rd., Manahawkin, NJ 08050 (the "Property") by virtue of a certain Mortgage recorded on October 30, 2009 in Book OR-14446, Page 132 of the Public Records of Ocean County, NJ (the "Mortgage"). Said Mortgage secures a Note in the principal amount of \$373,268.00.

2. On May 21, 2018 (the "Petition Date"), Debtors Fernando Cartagena and Jodi Michelle Cartagena (the "Debtors") filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code.

3. Debtors' Motion seeks Court approval for the sale of the Property for a proposed sale price of \$230,000.00.

4. As of September 4, 2018, the estimated amount due under the terms of the Secured Creditor's lien is \$557,297.78.

5. Secured Creditor has not approved a short sale for this Property.

6. Based upon the foregoing, the Secured Creditor asserts that a reasonable valuation for the Property is significantly more than the proposed sale price of \$230,000.00.

7. It is noted that the CMA attached to the Debtors' Motion recommends a sale price of \$310,000.00, suggesting that the proposed sale price of \$230,000.00 may not be the highest or best offer.

8. The Secured Creditor does not consent to the proposed sale and the Debtors' motion fails to provide sufficient evidence that the proposed sale is in the best interest of the estate and its creditors.

9. Secured Creditor objects to the Debtors' Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.

10. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

11. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying the Debtors' Motion and for such other and further relief as the Court deems just and proper.

RAS Crane, LLC
Attorney for Secured Creditor
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Fairfield, NJ 07004
Telephone: 973-575-0707
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By: /s/ Laura Egerman
Laura Egerman, Esquire
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Email: legerman@rasnj.com

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CERTIFICATION OF SERVICE AND PROOF OF MAILING

1. I, Laura Egerman, Esq., represent Ditech Financial LLC in the above-captioned matter.
2. On September 11, 2018, I caused a copy of the following pleadings and/or documents to the parties listed in the chart below: *Objection to Motion for an Order Authorizing Sale of Real Property Located at 116 Barracuda Road, Manahawkin, NJ Free and Clear of Liens, Claims or Encumbrances and Granting Related Relief.*
3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: September 11, 2018

/s/ Laura Egerman
Laura Egerman, Esq.

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
William H. Oliver, Jr. 2240 State Highway 33 Suite 112 Neptune, NJ 07753	Debtor's Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Fernando Cartagena 116 Barracuda Road Manahawkin, NJ 08050 Jodi Michelle Cartagena 116 Barracuda Road Manahawkin, NJ 08050	Debtors	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.